

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

ALEXESS CHANEY,

Plaintiff,

COMPLAINT

vs.

Case #:

TOWNER TREE FARMS, LLC; TOWNER LIVING
TRUST; and TERRY L. TOWNER and
BARBARA A. TOWNER, AS CO-TRUSTEES.

Jury Trial: ☒ Yes ☐ No

Defendants.

The plaintiff for a Complaint against the defendants, alleges as follows:

PARTIES TO THIS COMPLAINT

1. The plaintiff, ALEXESS CHANEY, is a resident of the County of Union, State of North Carolina.
2. Upon information and belief, the defendant, TOWNER TREE FARMS, LLC, is a Domestic Limited Liability Company authorized to do business in the State of New York, with offices located at 2389 State Route 417, Addison, New York 14801.
3. Upon information and belief, the defendants, TOWNER TREE FARMS, LLC, is the owner and operator of TOWNER TREE FARMS, located at 8523 State Route 417, in the Town of Addison, County of Steuben, State of New York.
4. Upon information and belief, the defendants, TERRY L. TOWNER and BARBARA A. TOWNER, as CO-TRUSTEES OF TOWNER LIVING TRUST, reside in

the Town of Addison, County of Steuben, State of New York.

BASIS FOR JURISDICTION

5. This Court has jurisdiction over the persons involved and subject matter.
6. Venue is proper in the Western District of this Court.
7. This action is brought pursuant to 28 U.S.C.. §1332(a) on the basis of diversity of citizenship. The matter is in excess of the sum of \$75,000.00, exclusive of interest and costs.
8. The plaintiff demands trial by jury of all issues in this action.

STATEMENT OF CLAIM

9. Upon information and belief, the defendants, TERRY L. TOWNER and BARBARA A. TOWNER, as CO-TRUSTEES OF TOWNER LIVING TRUST, are title owners of certain real property located at 8523 State Route 417, Addison, New York, County of Steuben and State of New York.

10. On the 21st day of July, 2018, the plaintiff, ALEXESS CHANEY, was injured while on property operated by TOWNER TREE FARMS, LLC, and owned by the TOWNER LIVING TRUST, and TERRY L. TOWNER and BARBARA A. TOWNER, as CO-TRUSTEES in the Town of Addison, County of Steuben, and State of New York.

11. That on the 21st day of July, 2018, the plaintiff, ALEXESS CHANEY, while at a graduation party being held on said Towner Tree Farm property, was attempting to ride a zip line located on said property, when the seat to the zip line broke, causing the

plaintiff to fall approximately 15' to the ground causing injuries to her leg and back.

12. As a result of the accident, ALEXESS CHANEY, suffered serious physical injuries.

13. The accident, and subsequent injuries resulting therefrom, were caused by the negligence of the defendants.

14. The defendants' negligence includes, but is not limited to the following:

- a. Failure to warn of the potential dangers of using said equipment;
- b. Failure to maintain the zip line equipment appropriately;
- c. Failure to conduct safety checks of the equipment;
- d. Failure to provide additional safety measures to prevent the accident

herein.

15. As a result of the foregoing, the plaintiff, ALEXESS CHANEY, has sustained the following damages and injuries:

- a. Physical pain;
- b. Mental anguish;
- c. Permanent physical imitations; and
- d. Monetary expenses, including hospital, medical expenses and lost wages.

RELIEF

16. As a result of the foregoing the plaintiff, ALEXESS CHANEY, has been damaged in the amount of \$1,000,000.00.


DEMAND FOR JURY TRIAL

17. The plaintiff demands a jury trial of all issues, pursuant to Rule 38 of the Federal Rules of Civil Procedure.

WHEREFORE, plaintiff demands judgment against the defendants in the amount of \$1,000,000.00, and for such other, further, and different relief as to this Court may seem just and proper.

Dated: January 17, 2019

**THE LAW OFFICES OF
PETER K. SKIVINGTON, PLLC.**


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